In the High Court of Judicature at Madras

Dated:10.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.354 of 2006

Devaki .. Petitioner

vs.

1. The State of Tamil Nadu
   rep. by its Secretary to Government
   Prohibition and Excise Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

2. The Commissioner of Police
   Greater Chennai
   Egmore, Chennai 600 008. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. V. Parthiban for
Mr. M. Rajavelu

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Devaki, challenges the impugned order of detention dated 20.01.2006, detaining her son Dayalan, as "Goonda" under Section 3 (1) of the Tamil Nadu Prevention of Dangerous activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1981 (Tamil Nadu Act 14 of 1982).

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2. Heard both sides.

3. At the foremost, the learned counsel for the petitioner submitted that though a representation was made by the detenu on 30.03.2006, the same is stated to be received by the Government only on 09.05.2006 and in the absence of any proof that the same was received only on 09.05.2006, the time taken by the Government vitiates the detention order. As against the said contention, learned Additional Public Prosecutor has produced before us the original file, which shows that the representation dated 30.03.2006 was received by the Government on 09.05.2006. The seal affixed on the the representation also bears the date, 09.05.2006. The postal seal on the cover also supports the stand taken by the Government. Accordingly, we reject the said contention.

4. The learned counsel for the petitioner by drawing our attention to the documents at pages 1, 2 and 64 of the paper book contended that the same are not legible and in spite of the specific representation, clean and legible copies were not furnished to the detenu. In so far as the said contention is concerned, it is brought to our notice that documents at pages 1 and 2 were not relied on by the detaining authority and the document at page No.64 is legible and readable. Further, in the reply dated 24.05.2006, the Government informed the mother of the detenu that the detention order was passed on the basis of the ground case dated 03.01.2006 and the copy of the First Information Report was duly sent to the detenu. In the light of the information furnished in the reply dated 24.05.2006 and of the fact that the documents at pages 1 and 2 were not relied upon by the detaining authority and also considering the fact that the document at page 64 is legible, we are unable to accept the said contention.

5. The learned counsel for the petitioner finally submitted that endorsements which is available at pages 99, 101, 102 and 103 of the paper book are in English and the detenu was not able to understand the same, which prevented him from making an effective representation. In the light of the said contention, we verified the same. Learned Additional Public Prosecutor has brought to our notice that the said endorsements available in those pages are initials by the Officer of the Jail Department and the same have nothing to do with the passing of the detention order. In such circumstances, even if the translated copy is not supplied to the detenu, we are of the view that the same has not prejudiced the detenu in any way in making representation. Accordingly, we reject the said contention also.

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In the light of what is stated above, this petition is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To
1. The Secretary to Government
   Prohibition and Excise Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

2. The Commissioner of Police
   Greater Chennai
   Egmore, Chennai 600 008.

3. The Inspector General of Prisons
   Chennai 2.

4. The Superintendent
   Central Prison, Chennai.
[In duplicate for communication to the accused].

5. The Director General of Police
   Tamil Nadu, Chennai 4.

6. The Public Prosecutor
   High Court, Madras.

H.C.P.No.354 of 2006
Dt.10.07.2006

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